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Secretary for
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California Regional Water Quality Control Board

Central Valley Region

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Edmund G. Brown Jr.
Governor

29 August 2011

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Malaga CWD
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SIGNATURE AUTHORITY, MALAGA COUNTY WATER DISTRICT (CWD) (NPDES CA0084239, RM 381011), FRESNO COUNTY

This letter is in response to the Malaga CWD (District) Signatory and Certification Authorization Form submitted to the California Regional Water Quality Control Board, Central Valley Region. The form requests that Mr. Michael Taylor, the District's consulting engineer, be designated a duly authorized representative for the District. We referred the matter of signature authority for Mr. Taylor to attorneys at the State Water Resources Control Board, Office of Enforcement and Office of Chief Counsel to ensure that the decision regarding the delegation of signatory authority is consistent with the Code of Federal Regulations (CFR). They have concluded that Mr. Taylor does not meet the requirements for delegation of signature authority under the CFR.

40 CFR reads as follows:

40 CFR 122.22 Signatories to permit applications and reports (applicable to State programs, see Sec. 123.25).

(a) Applications. All permit applications shall be signed as follows:

(3) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

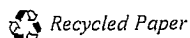
(i) The chief executive officer of the agency, or

(ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(b) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph (a) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph (a) of this section;

California Environmental Protection Agency



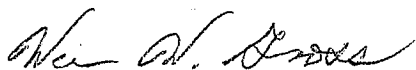
(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Director.

The regulations clearly state that a consulting engineer in Mr. Taylor's situation does not have the authority, nor could be delegated the authority, to sign reports or submit the information required by the permit unless he was serving as an engineer with the title of plant manager or superintendent. Generally, a consulting engineer does not have "responsibility for the overall operation of the regulated facility" or "overall responsibility for environmental matters for the [municipality]." Thus, a delegation to Mr. Taylor is not allowed. The only time a consulting engineer could sign required reports or submit information would be if the entire facility operation was contracted out and the consulting engineer was deemed to have "responsibility for the overall operation of the regulated facility." Here, Mr. Taylor is not responsible for the day-to-day operations of the plant, and in no way is considered a plant manager or superintendent.

Michael Taylor's position and responsibilities do not meet the necessary requirements for signature authority or delegation of signature authority; therefore, he is not authorized to sign and certify the reports or information required by the permit, including the self-monitoring reports.

If you have any questions regarding this issue, please contact Jill Walsh at (559) 445-5130.



WARREN W. GROSS
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cc: Ellen Howard, Office of Enforcement, State Water Resources Control Board
Russ Holcomb, General Manager, Malaga County Water District
Michael Taylor, Provost & Pritchard, Fresno